

MEMORANDUM

Date: April 20, 1994
Reference Code: 94-24

To: Personnel Management Liaisons

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers
Labor Relations Officers

From: Department of Personnel Administration
Labor Relations Division

Subject: Fair Labor Standards Act (FLSA) Exempt Employee
Work Policy for Employees Excluded from Collective Bargaining

Attached is the Work Policy for all Work Week Group 4C employees who are excluded from the collective bargaining units (i.e., managers, supervisors, confidentials). This policy is to be implemented immediately, retroactive to January 24, 1994.

You will note that one component of this policy is a prohibition against charging absences of less than a whole day to leave credits or dock. Departments should, therefore, review the leave usage records for excluded 4C employees and make the appropriate adjustments retroactive to January 24, 1994. Furthermore, effective immediately, Departments should discontinue any practices that require these employees to submit time sheets indicating daily hours worked.

You will note that this policy is the same as that which was recently negotiated and agreed to by the State and the California State Employees Association for Bargaining Units 1, 3, 11, 20, and 21. Represented 4C employees in other bargaining units are not impacted at this time as we have not yet completed the meet and confer process.

Please distribute this policy to all your Work Week Group 4C employees who are excluded from bargaining.

Should you have questions concerning any of the above, please contact one of the Department of Personnel Administration's Labor Relations Officers at (916) 324-0477, CALNET 454-0477.



Michael T. Navarro
Labor Relations Officer

Attachment

Attachment

Work Policy for FLSA Exempt Employees

State employees who are exempt from the FLSA are not hourly workers. The compensation they receive from the State is based on the premise that they are expected to work as many hours as is necessary to provide the public services for which they were hired. Consistent with the professional status of these employees, they are accountable for their work product, and for meeting the objectives of the agency for which they work.

Following is the State's policy for all employees exempt from the FLSA:

1. Management determines (consistent with the current MOUs) the product, services, and standards which must be met by FLSA exempt employees.
2. The salary paid to FLSA exempt employees is full compensation for all hours worked in providing the product or service.
3. FLSA exempt employees are not authorized to receive any form of overtime compensation, whether formal or informal.
4. FLSA exempt employees are expected to work within reason as many hours as necessary to accomplish their assignments or fulfill their responsibilities.
5. Consistent with the services which management has determined must be provided, FLSA exempt employees are to be given discretion in establishing their work hours. Employees are responsible for keeping management apprised of their schedule and whereabouts, must receive approval from management for the use of formal leave (e.g., vacation, sick leave, personal leave) and for absences of one day or more and must respond to directions from management to complete work assignments by specific deadlines.
6. Consistent with the salaried nature of FLSA exempt employees, these employees:
 - a. Shall not be charged any paid leave for absences in less than whole day increments.
 - b. Shall not be docked for absences of less than a day.
 - c. Shall not be suspended for five days or less when facing discipline.
 - d. Shall not have absences of less than a day recorded for attendance record keeping or compensation purposes.